

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARGARITA FERNANDEZ,

Plaintiff,

No. 19-CV-11575 (OTW)

-against-

NEW YORK HEALTH CARE INC.,

Defendant.

OPINION & ORDER

X

ONA T. WANG, United States Magistrate Judge:

On April 20, 2020, the Court issued an order denying approval of the parties' settlement agreement as fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), specifically pointing to the agreement's problematic release. (ECF 16).¹ The parties have now renewed their request for approval, appropriately limiting the release to claims raised in this action under the Fair Labor Standards Act and New York Labor Law. (ECF 17-1 at 3). Accordingly, the Court approves the parties' settlement agreement, as modified by the parties, as fair and reasonable under *Cheeks*.

It is hereby **ORDERED** that this action is dismissed with prejudice. The Clerk is directed to close the case.

SO ORDERED.

Dated: April 29, 2020
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge

¹ The parties have consented to magistrate judge jurisdiction, pursuant to 28 U.S.C. § 636(c). (ECF 14).